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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,540	08/08/2001	Kei Hagiwara	R2184.0116/P116	2104

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,540

Applicant(s)

HAGIWARA ET AL.

Examiner

Jorge L Ortiz-Criado

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 28-31 recites the limitation "**said linear velocity**" in the third line of the claims. There is insufficient antecedent basis for this limitation in the claim. Two linear velocities could be recognized, (1) "**basic linear velocity**" and (2) "**linear velocity different from basic linear velocity**". It is unclear what "linear velocity" from the two linear velocities identified as outlined above is taken.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2655

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 24 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Muramatsu U.S. Patent No. 5,592,463.


Regarding claim 24, Muramatsu discloses an information recording device writing information in a circumferential direction of a disk-type recording medium with a substantially constant linear density (See Abstract; col. 3, line 20 to col. 4, line 2; Fig. 5), the device comprising:

test-writing means for performing a test-writing in a predetermined area on said disk-type recording medium at a predetermined basic linear velocity so as to determine an optimum recording power at said basic linear velocity according to a result of said test-writing; and

recording-power setting means for setting a recording power according to a result of a predetermined calculation performed to said optimum recording power, when a recording is performed on said disk-type recording medium at a linear velocity different from said predetermined basic linear velocity (See col. col. 3, line 20 to col. 4, line 2).

Claim Rejections - 35 USC § 103

6. Claims ²⁵⁻²⁶~~24-31~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu U.S. Patent No. 5,592,463 in view of in view of Gage et al. U.S. Patent no. 5,903,537.


1/24/05

Art Unit: 2655

Regarding claim 25, Muramatsu teaches test-writing means includes optimum recording-state storing means for storing a value in accordance with a reproduction signal reproduced from said disk-type recording medium as an optimum recording-state targeted value, when a recording is performed on said disk-type recording medium with said optimum recording power (See col. 6, line 58 to col. 7, line 11); and

said recording-power setting means includes: recording-state targeted value setting means for setting a recording-state targeted value according to a result of a predetermined calculation performed to said optimum recording-state targeted value, when the recording is performed on said disk-type recording medium at the linear velocity different from the predetermined basic linear velocity (See col. 7, lines 49-65);

Muramatsu further teaches controlling the power by an automatic power control, but does not expressly disclose a power correcting means for correcting said recording power by comparing said recording-state targeted value with said optimum recording-state targeted value “during a recording of information to said disk-type recording medium” (See col. 6, line 58 to col. 7, line 65)

However, this feature is well known in the art and is evidenced by Gage et al., which discloses an information recording device that performs test-writing means includes optimum recording-state storing means for storing a value in accordance with a reproduction signal reproduced from said disk-type recording medium as an optimum recording-state targeted value and a power correcting means for correcting said recording power by comparing a recording-state targeted value with said optimum recording-state targeted value “during a recording of information to said disk-type recording medium” (See col. 1, lines 21-55; col. 2, lines 20-33)

Art Unit: 2655

It would have been obvious to one with an ordinary skill in the art at the time of the invention to include a power correcting means to correct the power during recording the information in order to maintain the optimum power characteristics in response to changes in media sensitivity, defocus, tilt, thickness etc. and by doing so also obtaining the best recording quality as thought by Gage et al.

Regarding claim 26, the combination of Muramatsu with Gage et al. would show including operational expression/coefficient setting means for setting at least one of an operational expression and a coefficient performing said predetermined calculation, in accordance with a type of said disk-type recording medium (See col. 6, line 58 to col. 7, line 65)

7. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu U.S. Patent No. 5,592,463 in view of in view of Gage et al. U.S. Patent no. 5,903,537 and further in view of Ogawa U.S. patent No. 6,704,269.

Regarding claim 27-31, the combination of Muramatsu with Gage et al. does not show including a medium-type judging means for judging the type of said disk-type recording medium according to an identification code embedded in said disk-type recording medium and/or including record-pulse-width changing means for changing a record pulse width according at least one of said linear velocity and the type of said disk-type recording medium.

However, this feature is well known in the art as evidenced by Ogawa, which discloses an information recording device writing information in a circumferential direction of a disk-type

Art Unit: 2655

recording medium with a substantially constant linear density (See col. 2, line 25 to col. 3, line 52; Figs. 1-21), the device comprising: test-writing means for performing a test-writing in a predetermined area on said disk-type recording medium at a predetermined basic linear velocity so as to determine an optimum recording power at said basic linear velocity according to a result of said test-writing (See col. 2, line 62 to col. 3, line 52), a medium-type judging means for judging the type of said disk-type recording medium according to an identification code embedded in said disk-type recording medium and including record-pulse-width changing means for changing a record pulse width according at least one of said linear velocity and the type of said disk-type recording medium (See col. 2, line 62 to col. 3, line 52; col. 8, line 41 to col. 10, line 46; Figs. 1, 21)

It would have been obvious to one with an ordinary skill in the art at the time of the invention to include a medium-type judging means and including record-pulse-width changing means because by doing so it would obtain recording signals on the optical disk producing the optimum reproductive characteristics achieved for any kind of disk recording medium and any selected recording speed as thought by Ogawa.

Response to Arguments

8. Applicant's arguments with respect to claims 24-31 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2655


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ
PRIMARY EXAMINER